

# CITY OF MEDINA PLANNING COMMISSION

## Meeting Minutes

Tuesday, June 12, 2012

1. **Call to Order:** Commissioner Charles Nolan called the meeting to order at 7:00 p.m.

Present: Planning Commissioners Charles Nolan, Robin Reid, Randy Foote, John Anderson, Kathleen Martin (arrived at 7:07 p.m.), Kent Williams (arrived at 7:32 p.m.) and Victoria Reid.

Absent: None

Also Present: City Councilmember Elizabeth Weir and City Planner Dusty Finke.

2. **Public Comments on items not on the agenda**

No public comments.

3. **Update from City Council proceedings**

Weir updated the Commission on recent activities and decisions by the City Council.

4. **Planning Department Report**

Finke provided an update of upcoming Planning projects. Two ordinance amendments and sign ordinance. City Council directed staff to conduct a study on wind turbines within the City. This is now top of staff's priority list.

Nolan asked status of Hennepin County wind turbine and Finke explained they were not moving forward due to lack of finances.

Anderson asked status of Holiday Station Store's blue lights. Finke explained next month it will be discussed. Gramercy is waiting for a decision to be made.

5. **Approval of the April 10, 2012 Draft Planning Commission meeting minutes.**

**Motion by R. Reid, seconded by Martin,** to approve the April 10, 2012 minutes with revisions. Motion carried unanimously. (Absent: Williams)

6. **Public Hearing – U.S. Home Corporation, Lennar, requests a PUD General Plan and Preliminary Plat for 118 Single Family Home lots to be located South of Hamel Legion Park and west of Brockton Lane.**

Finke presented the application by summarizing the project. The 60 feet to the south of the property is an old vacated row which is part of the plat. The preliminary plat

and general plan is very similar to the second concept plan. The primary changes are the rearrangement of a pond to save trees, but beyond that it is similar to what the Commission saw in April of this year.

V. Reid asked where the tot lot was located. Finke said the applicant could speak more to it, but it was located in the same location during the concept stage plan and not to the south as recommended by the Commission in April.

Finke said the overall density was approximately 2.5 units per acre. The total lots consisted of 95 Single Family Homes and 23 detached homes for a total of 118 residential units.

Finke reviewed streets/sewer and water. The streets would be 28 feet in width internally with a 50 foot right-of-way. Martin asked if any right-of-way was being dedicated on the plat and Finke said 33 feet.

Anderson asked about a letter from Loren Kohnen and his concerns for narrow street widths in the event of emergency. He asked how concerned staff was regarding this issue. Finke explained if people parked poorly on both sides of the street the fire truck should still be able to maneuver into the area, though it would be slower. Three access points into the site are available and the City would regulate the parking requirements. Finke explained the proposed street width has become the city's new standard, though untested.

Footo asked how our streets compare with Plymouth. Finke said he wasn't sure. Weir asked about roadway width in Morningside and Finke said the streets are posted no parking on both sides of the street.

Finke explained the final review criteria, stating the City has a great deal of discretion and the applicant was seeking discretion since it's a PUD. Finke said the Commission should always go back to the ordinance and comprehensive plan for direction.

Nolan said he saw by the minutes that the Commission had wanted the tot lot on the south side and questioned why the applicant hadn't moved it.

Finke explained Cherry Hill and The Enclave along the Hunter side had 5 and 10 foot side yard setbacks.

Nolan asked about traffic site lines and said it seemed to be an issue hanging out there. Finke explained the traffic numbers are based on a 10 second lead time to pull out onto Brockton Lane. He said the major difference between the two is the MnDOT standard assumes you can't do anything the first 2 seconds, so only 8 seconds would be remaining. The engineer isn't suggesting a realignment to meet the requirement. Nolan said he assumes the traffic study looks at traffic speed levels at 40 and 50 mph. Finke said the study reviews it only at 40 mph.

Footo was looking for clarification on the tree preservation ordinance. Finke explained 70 percent of the significant trees will be removed. Nolan clarified the first 10 percent doesn't have a penalty. Finke said the overall removal of trees is 15 percent when combined with the initial development without a penalty. He is planning to consult with the City's arborist. He said he is concerned with the intensity of all the trees being proposed for long term growth and ability to survive. He thought if there wasn't enough room within the development then possibly the overflow could be planted in The Enclave development along Hunter Drive.

Martin asked about what setbacks were being shown on the site plan on the south side. Finke said the homes on the site plan show them 10 feet apart, but the applicant is proposing to have the option to be closer.

Nolan asked about the use of the building envelope. Finke said homes are typically consuming the entire building envelope except for the larger developments such as Foxberry and Keller.

Finke explained the Cherry Hill development had 60 foot lot frontages and the proposed development is greater.

Joe Jablonski representing US Home Corporation said it's been a pleasure working with planning staff to get to this point in the process so quickly.

Jablonski said in Plymouth he had developed with the same street width standards and Plymouth allows parking on both sides. Medina is only proposing parking on one side of the street.

Jablonski said the tot lot was proposed on the north side, so it would be in a central location for both the Enclave and the proposed development, since it will be fairly large with possible pool area and recreational equipment. He said Lennar's concern is "connectivity" and to not have it imbedded into one neighborhood area.

Jablonski said Lennar would like to relocate a lot of the trees on-site, but it would have to be done on a case by case basis while working with staff.

Jablonski said they met the minimum standards for engineering requirements in the traffic report/study.

Jablonski said the side yard setbacks on the south end would be designed to have consistency throughout the neighborhood.

Martin asked the applicant to walk through the PUD standards and say why he thinks they meet the tests. Jablonski said:

Subd 1. – Innovation in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of the structures and by the conservation and more efficient use of land in

such developments. - *Applicant – This is achieved through the blending of densities from north to south. We are offering three distinct lot types that will allow for multiple house types, sizes, and price points. The higher density section along the park is designated for our Lifestyle product. The Enclave at Brockton is designed to fulfill the void in 75 foot wide lots.....*

Nolan asked about the issue of a floodplain. He asked where Lennar was at with it. Jablonski said they have been working with FEMA and they aren't doing work below the floodplain levels, and any work would require permits.

V. Reid said she wasn't on board with the tot lot being adjacent to Hamel Legion Park because she doesn't want the continuity. Jablonski said the area will be marketed as one neighborhood. He said having it located on the northern end would limit the traffic elsewhere. V. Reid doesn't like both under one HOA. She asked how many units would be between the two developments. She calculated around 700 people. Nolan asked what other amenities would be in the HOA lot and Jablonski said a pool, possible clubhouse building; but at a minimum it would have a building with restrooms and some other recreation inside.

Weir asked what the concern was with the pool area on the north side. She asked if it was because of the park. Nolan said he wasn't sure, but it needed to be discussed. Finke said it could be moved across the street away from the public park. Jablonski said they did look at the proposed location rather than across the street, due to trees and that it would be shaded the majority of the time.

Nolan asked if the first two lots across the street were used for the tot lot and that the location would actually be in the middle of the development if the two developments were one neighborhood. Finke said he had some concern if it was moved to the south, since it could change density.

Martin said previously during the Concept stage berming was discussed. She asked if that was not possible and wondered if fencing was discussed as a barrier. Jablonski said on the landscape plan they intend to make the opaque requirements. They chose to not show berming along the south side since by not doing it a lot of significant trees would be saved.

Nolan asked how much of the significant trees were on the Bitterman property. Finke said there were some.

Finke said where there aren't trees they could berm and where they have trees there would be no berm requirement. Finke said in some locations berms would push the drainage closer to the homes.

R. Reid asked about siting the municipal well. Jablonski said they are continuing to work with staff. He would like to get some type of credit. Finke said some of the

well would be used for irrigation. Finke said there is space for a well location along Brockton Lane.

Public Hearing Opened at 8:11 p.m.

Dan Cates, representing the landowners along Brockton Lane, said they felt that Lennar was doing a good job. He said all nine landowners were under contract with Lennar.

Public Hearing Closed at 8:13 p.m.

HOA (tot lot area) location – Nolan summarized that he was aware the mayor had concern with a park next to a park.

V. Reid thought two HOA's should be established rather than one.

Nolan raised concern about not having any information related to the HOA tot lot/pool area. He is concerned with not being able to review the parking and size for 700-900 residents. The pool area is not within walking distance so it is a concern. Martin wants the parking to be on the side of the pool. The placement and size should be conditioned on further study. Anderson concurs with Martin and other Commissioners. He said potential is for 800 residents at one pool. He is surprised by only having one pool area for both projects. Foote said he would have concern with parking and traffic at any tot lot location.

Nolan asked the applicant to provide information from other pools they have constructed to convince them further.

Martin asked the size of the site and Finke said its 25,000 square feet. Jablonski said he doesn't want this issue to hold up the process. He doesn't want the Commission so concerned by it that it slows up the process. At the end of the day they could just pull it. Nolan said it's a fair comment and is a small piece of the overall application.

Nolan suggested that maybe they shouldn't look at having the pool area amenity at this time. He would favor the lot to be an Outlot and come back later. He said the City should not lock themselves into approving it without details.

R. Reid said for marketing purposes does it need to be a pool that may sit covered for a large portion of the year.

Martin said the tot lot is oversized and could only accommodate one home. She feels it's a wise use of leftover land and has minimal impact to neighboring properties. She thinks the location could stay where it is with conditions placed on it related to the parking. The Commission felt it needs significant screening and separation from other homes and parking data.

Weir said she's been to the Bridgewater pool and hasn't seen people swimming, but has seen towels out, but not heavily so she knows it's being used. She said she thinks it's a great amenity.

US Home Corporation representative said Lennar will look at the pool location and provide design.

Martin recommended additional berming on the south side of the development. V. Reid said she lives in Foxberry Farms and the idea of a pool was considered there. She said many Foxberry residents wished they had constructed a swimming pool within their development. She said she thinks it is a good idea for the proposed development to have a swimming pool as an amenity.

Nolan asked that the Commission finish discussions on a couple of other issues. He asked the Commission what their concern was with the side yard setbacks. The Commission recommended 10/10 for the larger lots south of the trail area.

Traffic Site lines – no concerns and recommends approval with staff's condition.

V. Reid suggested staff work with the Arborist as a condition.

**Motion by Martin, seconded by Anderson**, to recommend approval of the PUD General Plan and Preliminary Plat subject to the modifications to the conditions.

**Motion carried unanimously.** (Absent: None)

**7. Public Hearing – Henri Germain requests a Variance from the City's requirement to install an upland buffer adjacent to a wetland required for construction of new home at 790 Navajo Road.**

Finke presented the application and explained City code requires installation of upland buffers adjacent to all wetlands upon "new development activity."

Finke showed an aerial and reviewed the "practical difficulties" requirement and explained the applicant had submitted a narrative explaining why he felt he had "practical difficulties." Finke said the wetland was relatively small overall and the upland buffer would be more than one and one half the size of the wetland. He explained that the majority of the year the wetland was dry. He also said other wetlands in the development don't have upland buffers.

Finke reviewed the Statutory Criteria. He said the required upland buffer didn't appear to have impacts on the construction of the new home, but rather the concern is aesthetics for the property owner. Staff's recommended conditions were reviewed in case the Commission chose to approve the variance.

Martin asked what other plants could be used besides prairie grasses within the upland buffer area. Finke said there are other options.

R. Reid asked if trees could be planted within a buffer. Finke said it was possible if you can sustain coverage.

Foote asked if grading would be involved and Finke said it would just be a matter of tilling up the ground.

Henri Germain, 790 Navajo Road, wanted to thank Dusty and Deb for their help in getting to this point in the process.

He explained the large wetland was added by the previous land owner which was a great amenity that wasn't required at the time, though it was one of the reasons they bought the lot. He said he wanted to make the entire area environment friendly. He said the subject wetland had been mowed for over the past 20 years. He said it is the buffer that creates a small issue. One of his concerns was the wood ticks within this area if it were to be expanded. He would like this area to blend in with the neighborhood since it is near the roadside and wanted it to be status quo. He said the only place for a playset was along the west side of the large existing pond which was visible from their kitchen. He explained that if the Variance was approved and the specific conditions being recommended were placed on him he wouldn't be able to put in their playset for his kids. He said they only have one location that would work for a playset that is flat enough and it's the area staff is recommending for the additional buffer area for the pond on the north side of the lot. He has tried to keep everything the way it was when they purchased.

Germain said he has a challenge with the buffer and not the wetland. Williams asked Germain if he had concerns with staff's conditions if approved. Germain said the only concern is using up the area for his playset.

Public Hearing opened at 9:13 p.m.

Finke said staff isn't really recommending approval of the Variance. R. Reid asked if the buffer could be reduced. Finke said it's the existence of the buffer, though Germain said he would consider a smaller buffer if the Commission didn't choose to eliminate the buffer all together through the variance.

Nolan said rather than looking at it partially dry or partially wet he asked if the applicant had thought of trying to make it into something nice. Germain said he knows it's possible to make a nice amenity out of the buffer area but said it's an investment of time that he doesn't have.

Williams asked about staff's condition that would take away his only location for a playset, saying he would not be alright with it.

Weir suggested the Commission address the requirements of a Variance.

Nolan said when taking the Variance criteria literally he was having a hard time with justifying approval. He said precedence is always a concern for him. He doesn't see the hardship and feels that by having less of a yard area for kids to play in isn't a reason for approval of a Variance. Williams said it appears to be more of an aesthetic concern by the applicant and felt there would be a huge variety of choices that could be low maintenance for the required buffer area. Nolan said not all vegetation is difficult to maintain.

Finke asked the Commission if they felt there were issues with the ordinance that was recently approved. The Commission commented that they didn't think there were issues. R. Reid said she didn't think the application qualified for a Variance.

R. Reid said the adjoining wetland to the west looks nice and suggested doing something similar to it to blend the two wetlands.

Public Hearing closed at 9:34 p.m.

**Motion by Williams, seconded by V. Reid,** to recommend denial of the application based on the findings described in the staff report.

**Motion carried unanimously.** (Absent: None)

#### **8. City Council Meeting Schedule**

Finke requested a Commissioner attend the June 19th City Council meeting.

Anderson said he would attend the next council meeting.

#### **9. Adjourn**

**Motion by Williams, seconded by R. Reid,** to adjourn at 9:27 p.m. **Motion carried unanimously.** (Absent: None)